IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.301 OF 2007
IN
CRIMINAL APPEAL NO.36 OF 2007

Dagadu Tukaram Phase ..Applicant.

V/s.

The State of Maharaashtra ..Respondent.

Mr.Ganesh Gole for applicant.

Ms.M.H.Mhatre for respondent.

CORAM : J.H.BHATIA, J.

DATED : 15TH MARCH, 2007.

P.C. :-

Heard Mr.Gole, learned counsel for the applicant and Ms.Mhatre, learned A.P.P. The applicant was convicted for the offence under section 304(II) of I.P.C. and sentenced to R.I. for four years and to pay a fine of Rs.2,000/-. He has preferred appeal challenging his conviction and sentence. Appeal is admitted. Applicant seeks to be released on bail pending final hearing and disposal of the appeal.

2. It appears that the present applicant and the deceased both were working in weaving factory and some quarrel had taken place abruptly and during the exchange of hot words, present applicant entered in the

factory and brought on wooden instrument called ‘marya’ and gave a blow on the forehead of deceased Shivaji Shinde. Due to which he started bleeding from the nose and mouth and collapsed. The present applicant himself took the deceased to the hospital for treatment but he died. Taking into consideration the circumstances in which the incident occurred, I find that bail may be granted to the present applicant pending the final hearing and disposal of the appeal.

3. Applicant be enlarged on bail on same terms and conditions as before the trial court subject to his executing fresh bond and depositing the fine amount.

(J..H.BHATIA, J.)